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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,202	07/21/2003	James Kenneth McAlpine	MCAJ102CIP	7727
7590	01/13/2006		EXAMINER	PHILLIPS, CHARLES E
DEREK H. MAUGHAN DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 BOISE, ID 83701-0877			ART UNIT	PAPER NUMBER
3751				
DATE MAILED: 01/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

S8

Office Action Summary	Application No.	Applicant(s)
	10/624,202	MCALPINE, JAMES KENNETH
	Examiner	Art Unit
	Charles E. Phillips	3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-21 and 23-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-15, 19,21 and 23-24 and 26-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No support is found for the term "permanently" of claims 1,19 and 21. This term is not discussed and it is not clear what it adds to "non-removably" of the claims.Applicant indicates that this term is added to claim 16, but this is not the case.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,5,6,7,9-14,16-17,19,21 and 23-26,28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer.

See Fig. 3, where the body 10 of plastic has a metal insert I, which due to the lower end at 21 establishes a trap environment. Re: claims 6-7, the insert is seen to be cylindrical. Claim 9 defines nothing structurally definitive over Palmer. Re: claim 10, see col. 6,

lines 8-14. Re: claim 16, the insert here is non-removable due to lack of access thereof and due to the col. 6 reference. Claims 19,21 and 23-29 are clearly anticipated as set forth supra. As to the term "permanently" , whatever this may mean within the confines of the instant disclosure, it is deemed met by Palmer at col. 6, lines 3-8. That is the "snug" sealing engagement here is deemed permanent and non-removable for in use purposes. If it would be possible to remove it, such removal would violate any local code. Accordingly the examiner finds no evidence of any attempt or desire to remove it, in contrast to the argument on page 9, paragraph 7 of the 8/25/05 paper.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer as set forth supra, in view of Carter.

Carter teaches a conventional "insert lining" at 11 of Fig. 2. To employ such a well known pipe sealing expedient in the Palmer device would have constituted an obvious expedient to the ordinary artisan. reasonable..

Claims 4-5,8,18,30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nance '877 in view of Webster et al.

Nance teaches a metal body 16 from casting. The threaded arrangement of 24 meets the "non-removable" limitation as evidenced by page 6 of the instant file, where a nut or the like is deemed tamper-proof. Webster et al teach the use of metals with

plastics in a trap environment and to employ this teaching in Nance would have been obvious to the ordinary artisan in order to glean the respective known properties thereof.

The arguments on page 10 are not convincing. Sinks can and typically do handle corrosive substances such as cleaners. Notwithstanding, the use of each material is widely known in the art.

Claims 20 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nance '877.

Nance teaches a metal body as evidenced by lines 78-79. The insert 22 is deemed "tamper-proof" in that a screw driver would be necessary in order to remove it. Applicant argues that the term "tamper proof" is not met; however, there simply no definition of this term in the instant disclosure and this term given its broadest interpretation is deemed met here. Furthermore, any element that is attached by some scheme can surely be detached by reversing that scheme.

Any inquiry concerning this communication should be directed to Charles E. Phillips at telephone number 571-272-4893.



Charles E. Phillips
Primary Examiner